

May 31, 2019

State Water Resources Control Board Division of Water Rights
Attn: Mitchell Moody

Sent via email only: mitchell.moody@waterboards.ca.gov

Re: Petitions to Modify Fully Appropriated Stream Status of Kings River System

Dear Chairman Esquivel and Honorable Board Members:

This comment letter is submitted on behalf of the Tule River Association and its members, which consist of all of the appropriative water rights holders on the Lower Tule River downstream of Success Reservoir.

The Tule River Association and its members ("TRA") have an interest in the petition submitted by Semitropic Water Storage District, and more specifically its related application to appropriate Kings River Flows. TRA's interest is related to the potential effect of Semitropic's application in furthering the water storage project that underlies that application without first better defining the full source of water for that project.

Semi-Tropic's application describes the Tulare Lake Storage and Floodwater Protection Project (the "Semitropic Project") as the primary means by which Semitropic would make use of water diverted under its application. Among other things, the water rights holders of the Lower Tule River are concerned that the Semitropic Project is located in an area that makes it capable of taking delivery of water for impoundment that is sourced from the Lower Tule River watershed. The Tule River is a fully appropriated stream. Semi-Tropic has not specified a full enumeration of sources of water for its project, which leaves the possibility that the project will be used for unlawful storage or impoundment of water originating in the Lower Tule River watershed.

For those reasons, TRA opposes any further consideration of the Semitropic application, including its related petition to modify the fully appropriate stream status of the Kings River system, unless and until assurances that the Semitropic Project will not be used for unlawful storage of water have been provided by the proponent.

Thank you for your consideration of these comments. Sincerely,

PELTZER & RICHARDSON, LC



Alex M. Peltzer
Legal Counsel, Tule River Association

cc: R.L. Schafer, David DeGroot, Tule River Association